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RELEASE, TRIAL-OMAHA

**U.S. District Court
District of Nebraska (8 Omaha)
CRIMINAL DOCKET FOR CASE #: 8:13-cr-00106-JFB-TDT All Defendants**

Case title: USA v. Pierce et al

Date Filed: 03/20/2013

Other court case numbers: 8:13CR104 USDC-NE
8:13CR105 USDC-NE
8:13CR107 USDC-NE
8:13CR108 USDC-NE
8:13CR104 USDC-NE
8:13CR104 USDC-NE
8:13CR105 USDC-NE
8:13CR107 USDC-NE
8:13CR108 USDC-NE
8:13cr104 USDC-NE
8:13cr105 USDC-NE
8:13cr107 USDC-NE

Assigned to: Judge Joseph F. Bataillon
Referred to: Magistrate Judge Thomas D.
Thalken

Defendant (1)

Russell Glenn Pierce

also known as

the user of IP Address 99.105.22.15 on
November 22, 2012, and December 3,
2012 (Duplicate alias added in error on
04/16/13)

represented by **Joshua D. Rydell**

LAW OFFICES OF JOSHUA RYDELL
500 S.W. 3rd Avenue
Fort Lauderdale, FL 33315
(954) 779-1711
Fax: (954) 779-1714

-
the user of IP Address 99.105.22.15 on
November 22, 2012, and December 3,
2012

Email: jr@jrydell.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED
Designation: Retained

Justin D. Eichmann
BRADFORD, COENEN LAW FIRM
1620 Dodge Street
Suite 1800
Omaha, NE 68102-1505
(402) 342-4200
Fax: (402) 342-4202
Email: jeichmann@bradfordcoenen.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:2252A(a)(2) & (b)(1) RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY
(1)

18:2251A(a)(2) - RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY
(1s)

18:2252A(a)(2) RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY
(1ss)

18:2252A(a)(5)(B) ACCESS WITH
INTENT TO VIEW
(2)

18:2251A(a)(5)(B) - ACCESS WITH
INTENT TO VIEW
(2s)

18:2252A(a)(5)(B) ACCESS WITH
INTENT TO VIEW
(2ss)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

Disposition

None

Assigned to: Judge Joseph F. Bataillon
Referred to: Magistrate Judge Thomas D.
Thalken

Defendant (2)

David William Peer

also known as

the user of IP Address 160.7.234.5 on
December 5, 2012

represented by **Glenn A. Shapiro**

SCHAEFER, SHAPIRO LAW FIRM

1001 Farnam Street

3rd Floor

Omaha, NE 68102

(402) 341-0700

Fax: (402) 341-3380

Email: sgnomercy@yahoo.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Pending Counts

Disposition

18:2252A(a)(2) & (b)(1) RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY

(1)

18:2251A(a)(2) - RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY

(1s)

18:2252A(a)(2) RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY

(1ss)

18:2252A(a)(5)(B) ACCESS WITH
INTENT TO VIEW

(2)

18:2251A(a)(5)(B) - ACCESS WITH
INTENT TO VIEW

(2s)

18:2252A(a)(5)(B) ACCESS WITH
INTENT TO VIEW

(2ss)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Assigned to: Judge Joseph F. Bataillon
Referred to: Magistrate Judge Thomas D.
Thalken

Defendant (3)

John Doe # 3

also known as

the user of IP Address 70.192.67.119 on
November 30, 2012

Pending Counts

Disposition

18:2252A(a)(2) & (b)(1) RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY

(1)

18:2251A(a)(2) - RECEIPT AND
ATTEMPTED RECEIPT OF CHILD

PORNOGRAPHY

(1s)

18:2252A(a)(2) RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY

(1ss)

18:2252A(a)(5)(B) ACCESS WITH
INTENT TO VIEW

(2)

18:2251A(a)(5)(B) - ACCESS WITH
INTENT TO VIEW

(2s)

18:2252A(a)(5)(B) ACCESS WITH
INTENT TO VIEW

(2ss)

Highest Offense Level (Opening)

Felony

Terminated Counts**Disposition**

None

Highest Offense Level (Terminated)

None

Complaints**Disposition**

None

Assigned to: Judge Joseph F. Bataillon
Referred to: Magistrate Judge Thomas D.
Thalken

Defendant (4)**John Doe # 4***also known as*

the user of IP Address 75.129.49.255 on
November 19, 2012

Pending Counts**Disposition**

18:2252A(a)(2) & (b)(1) RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY

(1)

18:2251A(a)(2) - RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY

(1s)

18:2252A(a)(2) RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY

(1ss)

18:2252A(a)(5)(B) ACCESS WITH
INTENT TO VIEW

(2)

18:2251A(a)(5)(B) - ACCESS WITH
INTENT TO VIEW

(2s)

18:2252A(a)(5)(B) ACCESS WITH
INTENT TO VIEW

(2ss)

Highest Offense Level (Opening)

Felony

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

Disposition

None

Assigned to: Judge Joseph F. Bataillon
Referred to: Magistrate Judge Thomas D.
Thalken

Defendant (5)

John Doe # 5

also known as

the user of IP Address 76.31.31.115 on
November 20, 2012 and November 28,
2012

Pending Counts

Disposition

18:2252A(a)(2) & (b)(1) RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY

(1)

18:2251A(a)(2) - RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY

(1s)

18:2252A(a)(2) RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY

(1ss)

18:2252A(a)(5)(B) ACCESS WITH
INTENT TO VIEW

(2)

18:2251A(a)(5)(B) - ACCESS WITH
INTENT TO VIEW

(2s)

18:2252A(a)(5)(B) ACCESS WITH
INTENT TO VIEW

(2ss)

Highest Offense Level (Opening)

Felony

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

Disposition

None

Assigned to: Judge Joseph F. Bataillon
Referred to: Magistrate Judge Thomas D.
Thalken

Defendant (6)

Warren Tidwell
also known as
the user of IP Address 68.229.213.252
between November 20, 2012 and
December 8, 2012

represented by **Joseph L. Howard**
DORNAN, LUSTGARTEN LAW FIRM
1403 Farnam Street
Suite 232
Omaha, NE 68102
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Stuart J. Dornan
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:2252A(a)(2) & (b)(1) RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY
(1)

18:2251A(a)(2) - RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY
(1s)

18:2252A(a)(2) RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY
(1ss)

Disposition

18:2252A(a)(5)(B) ACCESS WITH
INTENT TO VIEW

(2)

18:2251A(a)(5)(B) - ACCESS WITH
INTENT TO VIEW

(2s)

18:2252A(a)(5)(B) ACCESS WITH
INTENT TO VIEW

(2ss)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Assigned to: Judge Joseph F. Bataillon
Referred to: Magistrate Judge Thomas D.
Thalken

Defendant (7)

Joshua Welch

also known as

the user of IP Address 68.105.63.31 on
November 20, 2012, and November 24,
2012

represented by **Wesley S. Dodge**

DODGE LAW FIRM

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Omaha, NE 68144-4420

(402) 333-1604

Fax: (402) 333-0918

Email:

wesdodge@weslaw.omhcoxmail.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Pending Counts**Disposition**

18:2252A(a)(2) & (b)(1) RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY
(1)

18:2251A(a)(2) - RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY
(1s)

18:2252A(a)(2) RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY
(1ss)

18:2252A(a)(5)(B) ACCESS WITH
INTENT TO VIEW
(2)

18:2251A(a)(5)(B) - ACCESS WITH
INTENT TO VIEW
(2s)

18:2252A(a)(5)(B) ACCESS WITH
INTENT TO VIEW
(2ss)

Highest Offense Level (Opening)

Felony

Terminated Counts**Disposition**

None

Highest Offense Level (Terminated)

None

Complaints**Disposition**

None

Assigned to: Judge Joseph F. Bataillon
Referred to: Magistrate Judge Thomas D.
Thalken

Defendant (8)

Thomas Spencer

also known as

the user of IP Address 72.193.129.98
between November 25, 2012, and
December 7, 2012

represented by **James J. Regan**

JAMES REGAN

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: CJA Appointment

Pending Counts

18:2252A(a)(2) & (b)(1) RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY

(1)

18:2251A(a)(2) - RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY

(1s)

18:2252A(a)(2) RECEIPT AND
ATTEMPTED RECEIPT OF CHILD
PORNOGRAPHY

(1ss)

18:2252A(a)(5)(B) ACCESS WITH
INTENT TO VIEW

(2)

18:2251A(a)(5)(B) - ACCESS WITH
INTENT TO VIEW

(2s)

18:2252A(a)(5)(B) ACCESS WITH
INTENT TO VIEW

(2ss)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition**Plaintiff**

USA

represented by **Keith A. Becker**

U.S. DEPARTMENT OF JUSTICE -
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Fax: (202) 514-1793
Email: Keith.Becker@usdoj.gov
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Sarah Chang

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text

03/20/2013	<u>1</u>	INDICTMENT with foreperson's signature redacted pursuant to the E-Government Act. PART 1 OF 2 as to defendants John Doe # 1, John Doe # 2, John Doe # 3, John Doe # 4, John Doe # 5, John Doe # 6, John Doe # 7 and John Doe # 8. (MKR) Modified on 6/17/2013 to attachment # <u>1</u> Redacted Indictment pursuant to Order <u>69</u> . MAIN PDF DOCUMENT IS SEALED PURSUANT TO AN ORDER OF THE COURT. (JAB) (Entered: 03/22/2013)
03/20/2013	<u>2</u>	PART 2 OF 2 - FOREPERSON'S SIGNATURE PAGE regarding Indictment <u>1</u> as to defendants John Doe # 1, John Doe # 2, John Doe # 3, John Doe # 4, John Doe # 5, John Doe # 6, John Doe # 7 and John Doe # 8. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(e). ALL COUNSEL OF RECORD IN MULTI-DEFENDANT CASES MAY ACCESS THIS DOCUMENT. (MKR) (Entered: 03/22/2013)
03/20/2013	<u>3</u>	CRIMINAL COVER SHEET as to defendants John Doe # 1, John Doe # 2, John Doe # 3, John Doe # 4, John Doe # 5, John Doe # 6, John Doe # 7 and John Doe # 8. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(a). ALL COUNSEL OF RECORD IN MULTI-DEFENDANT CASES MAY ACCESS THIS DOCUMENT. (MKR) (Entered: 03/22/2013)
03/20/2013		Remark - Public: Case filed under seal on 3/20/13 and unsealed on 5/21/13 pursuant to memorandum as to defendants Russell Glenn Pierce, David William Peer, John Doe # 3, John Doe # 4, John Doe # 5, John Doe # 6, Joshua Welch and Thomas Spencer. (MKR) (Entered: 05/21/2013)
04/09/2013	<u>5</u>	RULE 5 PLEADINGS - IN Transfer from USDC-Southern Florida 13-6168-LSS as to defendant John Doe # 1. (Attachments: # <u>1</u> Warrant/Copy of Indictment, # <u>2</u> Report Commencing Criminal Action, # <u>3</u> Order unsealing indictment to all parties, # <u>4</u> Order Appointing Counsel, # <u>5</u> Waiver of Removal Hearing, # <u>6</u> Waiver of Pretrial Detention Hearing, # <u>7</u> Commitment to Another District, # <u>8</u> Minutes from hearing held on 4/9/13) Attachment #1 was modified on 4/9/13 to reflect: ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(a). ALL COUNSEL OF RECORD IN MULTI-DEFENDANT CASES MAY ACCESS THIS DOCUMENT.(MKR) (Entered: 04/09/2013)
04/10/2013	<u>6</u>	ARREST WARRANT RETURNED EXECUTED in case as to defendant John Doe # 6. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(a). ALL COUNSEL OF RECORD IN MULTI-DEFENDANT CASES MAY ACCESS THIS DOCUMENT. (MKR) (Entered: 04/10/2013)
04/10/2013	<u>7</u>	APPLICATION/ORDER admitting for full-time admission Attorney Sarah Chang as

		to defendants John Doe # 1, John Doe # 2, John Doe # 3, John Doe # 4, John Doe # 5, John Doe # 6, John Doe # 7, John Doe # 8. Ordered by Deputy Clerk. (SLP) (Entered: 04/10/2013)
04/16/2013	<u>8</u>	APPLICATION/ORDER admitting pro hac vice Attorney Joshua D. Rydell as to defendant John Doe # 1. Ordered by Deputy Clerk. (MKR) (Entered: 04/16/2013)
04/16/2013	<u>9</u>	NOTICE OF ATTORNEY APPEARANCE by Attorney Sarah Chang appearing for USA by Attorney Sarah Chang as to defendants John Doe # 1, John Doe # 2, John Doe # 3, John Doe # 4, John Doe # 5, John Doe # 6, John Doe # 7 and John Doe # 8. (JSF) (Entered: 04/17/2013)
04/16/2013	<u>10</u>	MOTION for Emergency Stay and for Review and Revocation of a Release Order by Attorney Michael P. Norris as to defendant John Doe # 8. (JSF) (Entered: 04/17/2013)
04/16/2013	<u>12</u>	SUPERSEDING INDICTMENT with foreperson's signature redacted pursuant to the E-Government Act as to defendants Russell Glenn Pierce, David William Peer, John Doe # 3, John Doe # 4, John Doe # 5, John Doe # 6, Joshua Welch, Thomas Spencer. PART 1 OF 2. (AOA) Modified on 6/17/2013 to attachment # <u>1</u> Redacted Superseding Indictment pursuant to Order <u>69</u> . MAIN PDF DOCUMENT IS SEALED PURSUANT TO AN ORDER OF THE COURT. (JAB) (Entered: 04/17/2013)
04/16/2013	<u>13</u>	PART 2 OF 2 - FOREPERSON'S SIGNATURE PAGE regarding Superseding Indictment, <u>12</u> as to defendants Russell Glenn Pierce, David William Peer, John Doe # 3, John Doe # 4, John Doe # 5, John Doe # 6, Joshua Welch, Thomas Spencer. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(e). ALL COUNSEL OF RECORD IN MULTI-DEFENDANT CASES MAY ACCESS THIS DOCUMENT. (AOA) (Entered: 04/17/2013)
04/16/2013	<u>14</u>	CRIMINAL COVER SHEET as to defendants Russell Glenn Pierce, David William Peer, John Doe # 3, John Doe # 4, John Doe # 5, John Doe # 6, Joshua Welch, Thomas Spencer. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(a). ALL COUNSEL OF RECORD IN MULTI-DEFENDANT CASES MAY ACCESS THIS DOCUMENT. (AOA) (Entered: 04/17/2013)
04/16/2013	<u>16</u>	NOTICE: SUMMARY FOR SUPERSEDING INDICTMENT by Attorney Michael P. Norris, Keith A. Becker as to defendants Russell Glenn Pierce, David William Peer, John Doe # 3, John Doe # 4, John Doe # 5, John Doe # 6, Joshua Welch, Thomas Spencer. (AOA) (Entered: 04/17/2013)
04/17/2013	<u>11</u>	TEXT ORDER denying as moot <u>10</u> Motion for Emergency Stay and for Review and Revocation of a Release Order as to John Doe # 8. Ordered by Judge Joseph F. Bataillon. (1 copy to USA)(TCL) (Entered: 04/17/2013)

04/17/2013	<u>17</u>	TEXT ORDER - after further consideration, the government's <u>10</u> Motion for Emergency Stay and for Review and Revocation is denied without prejudice to reassertion by the government at the hearing before Judge Thalken on 4/26/13 at 1:30 p.m., as to John Doe #8. Ordered by Judge Joseph F. Bataillon. Ordered by Judge Joseph F. Bataillon. (1 copy to USA)(TCL) (Entered: 04/17/2013)
04/19/2013	<u>18</u>	RULE 5 PLEADINGS - IN Transfer from USDC-Northern District of Florida 3:13mj47-CJK as to defendant Joshua Welch. (Attachments: # <u>1</u> Minute Entry from hearing held on 4/9/13, # <u>2</u> Financial Affidavit, # <u>3</u> Order appointing FPD, # <u>4</u> Order of Temporary Detention, # <u>5</u> Motion and Order to Seal, # <u>6</u> Minutes from hearing held on 4/11/13, # <u>7</u> Order of Detention, # <u>8</u> Amended Order of Detention) (MKR) Attachment #2 and was modified on 4/23/13 to reflect: THIS DOCKET ENTRY AND PDF DOCUMENT ARE SEALED PURSUANT TO AN ORDER OF THE COURT AND/OR LEGAL AUTHORITY GOVERNING SEALED FILINGS. ACCESS IS LIMITED ONLY TO THE COURT. (MKR). (Entered: 04/19/2013)
04/22/2013	<u>19</u>	RULE 5 PLEADINGS - IN received from USDC-Nevada (Las Vegas) 2:13mj255 RAM as to defendant Thomas Spencer. (Attachments: # <u>1</u> NE Indictment and warrant; ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(a). ALL COUNSEL OF RECORD IN MULTI-DEFENDANT CASES MAY ACCESS THIS DOCUMENT.# <u>2</u> Financial Affidavit; THIS DOCKET ENTRY AND PDF DOCUMENT ARE SEALED PURSUANT TO AN ORDER OF THE COURT AND/OR LEGAL AUTHORITY GOVERNING SEALED FILINGS. ACCESS IS LIMITED ONLY TO THE COURT. # <u>3</u> Order Appointing Counsel, # <u>4</u> Waiver of Rule 5 & 5.1 Hearings, # <u>5</u> Appearance Bond, # <u>6</u> Order requiring Defendant to Appear) (MKR) Modified on 4/23/2013 to seal and restrict attachments #1 and #2. (MKR). (Entered: 04/23/2013)
04/25/2013	<u>20</u>	ORDER APPOINTING COUNSEL as to defendant Joshua Welch - Wesley S. Dodge is appointed to represent the defendant. Ordered by Magistrate Judge Thomas D. Thalken. (MBM) (Entered: 04/25/2013)
04/25/2013	<u>22</u>	TEXT ORDER as to defendant Thomas Spencer - Initial Appearance set for 4/26/2013 at 1:30 PM in Courtroom 7, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Magistrate Judge Thomas D. Thalken. Ordered by Magistrate Judge Thomas D. Thalken. (MBM) (Entered: 04/25/2013)
04/26/2013	<u>24</u>	NOTICE OF ATTORNEY APPEARANCE by Attorney Joshua D. Rydell as to defendant Russell Glenn Pierce. (MKR) (Entered: 04/26/2013)
04/26/2013	<u>25</u>	ORDER APPOINTING COUNSEL as to defendant Thomas Spencer - James J. Regan is appointed to represent the defendant. Ordered by Magistrate Judge Thomas D. Thalken. (MBM) (Entered: 04/26/2013)
04/26/2013	<u>26</u>	TEXT MINUTE ENTRY for initial appearance and arraignment held in Omaha on 04/26/2013 before Magistrate Judge Thomas D. Thalken as to defendant Thomas

		Spencer. Defendant acknowledges receipt of a copy of the Superseding Indictment. Not guilty plea entered on all counts. Defendant does request discovery material pursuant to Rule 16. Government does not adopt open file policy regarding discovery. Progression order to be issued. This case and the related cases are scheduled for a Rule 17.1 Conference before Magistrate Judge Thalken on 05/29/2013 at 10:00 a.m. The time between now and 05/29/2013 is excluded from Speedy Trial Act computations; order forthcoming. Hearing held re government's motion for stay and to revoke release order. The government's motion for stay and to revoke release order is denied; release is continued. Government appeals the ruling. The matter is stayed until 5:00 p.m. today. Defendant is remanded to the custody of the U.S. Marshal to remain in custody until 5:00 p.m. today or until ordered otherwise. Appearance for plaintiff: Michael P. Norris. Appearance for defendant: James J. Regan, CJA. Courtroom Deputy: Mary Beth McFarland. No interpreter used during hearing. Court Reporter: Digital Recorder. Time Start: 2:37 PM; Time Stop: 3:00 PM; Time in Court: 23 Minutes. (MBM) (Entered: 04/26/2013)
04/26/2013	<u>27</u>	ORDER FOR PROGRESSION OF A CRIMINAL CASE as to defendant Thomas Spencer - discovery due 05/03/2013. Pretrial Motion Deadline set for 5/16/2013. Ordered by Magistrate Judge Thomas D. Thalken. (MBM) (Entered: 04/26/2013)
04/26/2013	<u>28</u>	<input type="checkbox"/> AUDIO FILE (5.6 MB) as to defendant Thomas Spencer regarding Initial Appearance 26 held on 04/26/2013 at 2:37 p.m. before Magistrate Judge Thomas D. Thalken. (MBM) (Entered: 04/26/2013)
04/26/2013	<u>29</u>	EXHIBIT LIST from hearing held on 04/26/2013 as to defendant Thomas Spencer. (MBM) (Entered: 04/26/2013)
04/26/2013	30	TEXT MINUTE ENTRY for proceedings held before Judge Joseph F. Bataillon as to defendant Thomas Spencer. Motion Hearing held on 4/26/2013 regarding Government's appeal of Magistrate Thalken's denial of motion for stay and to revoke release order. Pretrial Services is orderd to interview the defendant. The appeal and motion to stay are sustained. The defendant shall be detained. Detention Hearing set for 4/30/2013 09:00 AM in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Judge Joseph F. Bataillon. Hearing held in Omaha. Courtroom Deputy: Amy Brunswick. Reporter: Digital Recorder. Appearance for Plaintiff: Michael P. Norris; For Defendant: James Regan, CJA. No interpreter used during hearing. Time Start: 4:54 PM; Time Stop: 5:11 PM; Time in Court: 17 Minutes. (ADB) (Entered: 04/29/2013)
04/26/2013	<u>31</u>	<input type="checkbox"/> AUDIO FILE (4.1 MB) as to defendant Thomas Spencer regarding Hearing on Government's appeal of denial of motion to stay release order 30 held on 4/26/13 at 4:54pm before District Judge Joseph F. Bataillon. (ADB) (Entered: 04/29/2013)
04/30/2013	33	TEXT MINUTE ENTRY for proceedings held before District Judge Joseph F. Bataillon as to defendant Thomas Spencer. Detention Hearing held on 4/30/2013. Hearing held in Omaha. Oral argument held. The hearing is continued to 5/1/2013 at 9:00 a.m. Courtroom Deputy: Kathy Griess. Reporter: Sue DeVetter. Appearance for Plaintiff: Michael P. Norris; For Defendant: James J. Regan, CJA. No interpreter

		used during hearing. Time Start: 9:07 AM; Time Stop: 9:32 AM; Time in Court: 25 Minutes. (KMG) (Entered: 04/30/2013)
04/30/2013	34	TEXT ORDER SETTING HEARING as to defendant Thomas Spencer: The Detention Hearing is continued to 5/1/2013 at 09:00 AM in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before District Judge Joseph F. Bataillon. Ordered by District Judge Joseph F. Bataillon. (KMG) (Entered: 04/30/2013)
05/01/2013	35	TEXT MINUTE ENTRY for proceedings held before District Judge Joseph F. Bataillon as to defendant Thomas Spencer. Detention Hearing held on 5/1/2013. Hearing held in Omaha. The defendant is ordered to return to Las Vegas, Nevada. The defendant is released pending disposition of this case on the same terms and conditions previously imposed in Nevada and shall report as directed to the United States Pretrial Services Office in Las Vegas, Nevada. Courtroom Deputy: Kathy Griess. Reporter: Rogene Schroder. Appearance for Plaintiff: Douglas R. Semisch for Michael P. Norris; For Defendant: James J. Regan, CJA. No interpreter used during hearing. Time Start: 9:04 AM; Time Stop: 9:06 AM; Time in Court: 2 Minutes. (KMG) (Entered: 05/01/2013)
05/02/2013	37	TEXT ORDER as to defendant Russell Glenn Pierce - Initial Appearance and Detention Hearing set for 5/6/2013 at 2:00 PM in Courtroom 7, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Magistrate Judge Thomas D. Thalken. Ordered by Magistrate Judge Thomas D. Thalken. (MBM) (Entered: 05/02/2013)
05/06/2013	<u>42</u>	ARREST WARRANT RETURNED EXECUTED in case as to defendant Russell Glenn Pierce. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(a). ALL COUNSEL OF RECORD IN MULTI-DEFENDANT CASES MAY ACCESS THIS DOCUMENT. (TCL) (Entered: 05/06/2013)
05/06/2013	43	TEXT MINUTE ENTRY for initial appearance and arraignment held in Omaha on 05/06/2013 before Magistrate Judge Thomas D. Thalken as to defendant Russell Glenn Pierce. Defendant acknowledges receipt of a copy of the Superseding Indictment. Not guilty plea entered on all counts. Defendant does request discovery material pursuant to Rule 16. Government does not adopt open file policy regarding discovery. Progression order to be issued. Pretrial motion deadline extended to 7/26/13. The time between 05/06/2013 and 07/26/2013 shall be excluded for Speedy Trial purposes. Order to be entered. Detention hearing held. Court takes judicial notice of U.S. Pretrial Services report. Government's oral motion for detention is denied. Defendant is released on bond. Appearance for plaintiff: Michael P. Norris; Keith A. Becker and Sarah Chang (telephonically). Appearance for defendant: Joshua D. Rydell, Retained. Courtroom Deputy: Jane Fischer. No interpreter used during hearing. Court Reporter: Digital Recorder. Time Start: 2:13 PM; Time Stop: 3:41 PM; Time in Court: 1 Hour, 28 Minutes (JSF) (Entered: 05/06/2013)

		05/06/2013)
05/06/2013	<u>44</u>	<input type="checkbox"/> AUDIO FILE (21.9 MB) as to defendant Russell Glenn Pierce regarding Initial Appearance 43 held on 05/06/13 at 2:13 pm before Magistrate Judge Thomas D. Thalken. (JSF) (Entered: 05/06/2013)
05/06/2013	<u>45</u>	ORDER FOR PROGRESSION OF A CRIMINAL CASE as to defendant Russell Glenn Pierce. Discovery due 5/13/13. Pretrial Motion Deadline set for 7/26/2013. Ordered by Magistrate Judge Thomas D. Thalken. (JSF) (Entered: 05/06/2013)
05/06/2013	<u>46</u>	ORDER SETTING CONDITIONS OF RELEASE. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(a). ALL COUNSEL OF RECORD IN MULTI-DEFENDANT CASES MAY ACCESS THIS DOCUMENT as to defendant Russell Glenn Pierce. Ordered by Magistrate Judge Thomas D. Thalken. (JSF) (Entered: 05/06/2013)
05/06/2013	<u>47</u>	WITNESS LIST from hearing held on 5/6/13 as to defendant Russell Glenn Pierce. (JSF) (Entered: 05/06/2013)
05/06/2013	<u>48</u>	EXHIBIT LIST from hearing held on 5/6/13 as to defendant Russell Glenn Pierce. (JSF) (Entered: 05/06/2013)
05/06/2013	<u>49</u>	TEXT ORAL MOTION - for an extension of time to file pretrial motions by Attorney Joshua D. Rydell as to defendant Russell Glenn Pierce. (TCL) (Entered: 05/07/2013)
05/07/2013	<u>50</u>	ORDER - IT IS ORDERED: Pierce's motion for an extension of time to file pretrial motions is granted. Pierce shall have to on or before July 26, 2013, in which to file pretrial motions in accordance with the progression order. The additional time arising as a result of the granting of the motion, i.e., from May 6, 2013, and July 26, 2013, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act as to Russell Glenn Pierce. Ordered by Magistrate Judge Thomas D. Thalken. (Copy to defendants counsel)(TCL) (Entered: 05/07/2013)
05/08/2013	<u>51</u>	ORDER - This matter is before the court sua sponte. During the hearing on May 6, 2013, releasing defendant Russell Glenn Pierce (Pierce), the court announced Pierce would be subject to electronic monitoring in connection with his home confinement program. The actual written order (Filing No. <u>46</u>) inadvertently indicated the home confinement program will not include electronic monitoring. The written order is in error as Pierce's home confinement program WILL INCLUDE electronic monitoring at Pierce's expense as to defendant Russell Glenn Pierce. IT IS SO ORDERED. Ordered by Magistrate Judge Thomas D. Thalken. (Copy to defendants counsel) (TCL) (Entered: 05/08/2013)
05/20/2013	<u>53</u>	ORDER SETTING HEARING as to defendants Russell Glenn Pierce, David William Peer, John Doe # 3, John Doe # 4, John Doe # 5, John Doe # 6, Joshua

		Welch and Thomas Spencer. Rule 17.1 Hearing set for 5/29/2013 at 10:00 AM in Courtroom 7, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Magistrate Judge Thomas D. Thalken. Ordered by Magistrate Judge Thomas D. Thalken. (JSF) (Entered: 05/21/2013)
05/21/2013	<u>52</u>	NOTICE (MEMORANDUM) TO UNSEAL CASE by Attorney Michael P. Norris as to defendants Russell Glenn Pierce, David William Peer, John Doe # 3, John Doe # 4, John Doe # 5, John Doe # 6, Joshua Welch and Thomas Spencer. (MKR) (Entered: 05/21/2013)
05/22/2013	<u>54</u>	NOTICE OF ATTORNEY APPEARANCE by Attorney Glenn A. Shapiro as to defendant(s) David William Peer. (Shapiro, Glenn) (Entered: 05/22/2013)
05/22/2013	<u>55</u>	NOTICE OF ATTORNEY APPEARANCE by Attorney Joshua D. Rydell and Justin D. Eichmann as to defendant Russell Glenn Pierce. (MKR) (Entered: 05/22/2013)
05/22/2013	<u>56</u>	TEXT ORDER as to defendant Joshua Welch - Initial Appearance set for 5/23/2013 at 1:30 PM in Courtroom 7, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Magistrate Judge Thomas D. Thalken. Ordered by Magistrate Judge Thomas D. Thalken. (MBM) (Entered: 05/22/2013)
05/22/2013	<u>57</u>	ORDER APPOINTING COUNSEL as to defendant David William Peer - Glenn A. Shapiro is appointed to represent the defendant. Ordered by Magistrate Judge Thomas D. Thalken. (MBM) (Entered: 05/22/2013)
05/23/2013	<u>58</u>	RULE 5 PLEADINGS - IN Transfer from USDC-Utah, 2:13mj127 as to defendant David William Peer. ACCESS TO PDF ATTACHMENT #1 IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(a). ALL COUNSEL OF RECORD IN MULTI-DEFENDANT CASES MAY ACCESS THIS DOCUMENT. (Attachments: # <u>1</u> NE Warrant/Indictment, # <u>2</u> Minutes, # <u>3</u> Order appt cnsl, # <u>4</u> SEALED CJA Voucher, # <u>5</u> Waiver, # <u>6</u> Commitment) (JAB) (Entered: 05/24/2013)
05/23/2013	<u>60</u>	TEXT MINUTE ENTRY for initial appearance and arraignment held in Omaha on 05/23/2013 before Magistrate Judge Thomas D. Thalken as to defendant Joshua Welch. Defendant acknowledges receipt of a copy of the Superseding Indictment. Not guilty plea entered on all counts. Defendant does request discovery material pursuant to Rule 16. Government does not adopt open file policy regarding discovery. This matter is scheduled for a Rule 17.1 Hearing on 05/29/2013 at 10:00 a.m.; defendants are not required to attend. Defendant was previously detained. Defendant is remanded to the custody of the U.S. Marshal. Appearance for plaintiff: Michael P. Norris. Appearance for defendant: Wesley S. Dodge, CJA. Courtroom Deputy: Mary Beth McFarland. No interpreter used during hearing. Court Reporter: Digital Recorder. Time Start: 1:45 PM; Time Stop: 1:49 PM; Time in Court: 4 Minutes. (MBM) (Entered: 05/28/2013)

05/23/2013	<u>65</u>	<input type="checkbox"/> AUDIO FILE (1.0 MB) as to defendant Joshua Welch regarding Initial Appearance 60 held on 05/23/2013 at 1:45 p.m. before Magistrate Judge Thomas D. Thalken. (MBM) (Entered: 05/29/2013)
05/24/2013	<u>59</u>	ARREST WARRANT RETURNED EXECUTED in case as to defendant Joshua Welch. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(a). ALL COUNSEL OF RECORD IN MULTI-DEFENDANT CASES MAY ACCESS THIS DOCUMENT. (JAB) (Entered: 05/24/2013)
05/28/2013	<u>61</u>	NOTICE OF ATTORNEY APPEARANCE by Attorney Wesley S. Dodge as to defendant(s) Joshua Welch. (Dodge, Wesley) (Entered: 05/28/2013)
05/29/2013	<u>62</u>	TEXT MINUTE ENTRY for Rule 17.1 Hearing held in Omaha on 05/29/2013 before Magistrate Judge Thomas D. Thalken as to defendants Russell Glenn Pierce, David William Peer, Joshua Welch and Thomas Spencer. The defendants are not present because they were excused from the hearing. Dates are discussed for the progression of the case. Order forthcoming. Appearance for plaintiff: Michael P. Norris; Keith A. Becker and Sarah Chang, telephonically. Appearance for defendants: Justin D. Eichmann, Glenn A. Shapiro, Wesley S. Dodge and James J. Regan; Joshua D. Rydell, telephonically. No interpreter used during hearing. Courtroom Deputy: Mary Beth McFarland. Court Reporter: Digital Recorder. Time Start: 10:04 AM; Time Stop: 10:45 AM; Time in Court: 41 Minutes. (MBM) (Entered: 05/29/2013)
05/29/2013	<u>63</u>	<input type="checkbox"/> AUDIO FILE (10.6 MB) as to defendants Russell Glenn Pierce, David William Peer, Joshua Welch and Thomas Spencer regarding Rule 17.1 Hearing 62 held on 05/29/2013 at 10:04 a.m. before Magistrate Judge Thomas D. Thalken. (MBM) (Entered: 05/29/2013)
05/29/2013	<u>64</u>	ORDER : Pretrial Motion Deadline set for 9/6/2013; Time under the Speedy Trial Act will be excluded from today until September 6, 2013 as to defendants Russell Glenn Pierce, David William Peer, Joshua Welch, Thomas Spencer. Ordered by Magistrate Judge Thomas D. Thalken. (ADB) (Entered: 05/29/2013)
05/31/2013	<u>66</u>	ARREST WARRANT RETURNED EXECUTED in case as to defendant Thomas Spencer. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(a). ALL COUNSEL OF RECORD IN MULTI-DEFENDANT CASES MAY ACCESS THIS DOCUMENT. (MKR) (Entered: 05/31/2013)
06/14/2013	<u>69</u>	ORDER granting 67 SEALED MOTION as to Russell Glenn Pierce (1), David William Peer (2), John Doe # 3 (3), John Doe # 4 (4), John Doe # 5 (5), John Doe # 6 (6), Joshua Welch (7), and Thomas Spencer (8). The United States of America's Ex Parte Emergency Motion For Substitution of Redacted Indictments is granted. Ordered by Magistrate Judge Thomas D. Thalken. (E-mailed to counsel)(JAB) Modified on 6/17/2013 to unseal. (JAB) (Entered: 06/17/2013)

06/17/2013	<u>70</u>	MOTION to Review <i>Detention</i> by Attorney Wesley S. Dodge as to defendant(s) Joshua Welch. (Dodge, Wesley) (Entered: 06/17/2013)
06/18/2013	71	TEXT ORDER SETTING MOTION HEARING regarding MOTION to Review <i>Detention</i> <u>70</u> as to defendant Joshua Welch. Motion Hearing set for 6/25/2013 at 10:00 AM in Courtroom 7, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Magistrate Judge Thomas D. Thalken. Ordered by Magistrate Judge Thomas D. Thalken. (ADB) (Entered: 06/18/2013)
06/24/2013	72	TEXT ORDER as to defendant David William Peer - Initial Appearance set for 6/25/2013 at 2:00 PM in Courtroom 7, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Magistrate Judge Thomas D. Thalken. Ordered by Magistrate Judge Thomas D. Thalken. (MBM) (Entered: 06/24/2013)
06/25/2013	74	TEXT MINUTE ENTRY for hearing re <u>70</u> Motion to Review <i>Detention</i> held in Omaha on 06/25/2013 before Magistrate Judge Thomas D. Thalken as to defendant Joshua Welch. Oral argument by plaintiff and defendant. Clerk is directed to file the transcript from defendant's detention hearing held in Pensacola, Florida. The Motion <u>70</u> is denied. Detention is continued. Defendant is remanded to the custody of the U.S. Marshal. Appearance for plaintiff: Michael P. Norris. Appearance for defendant: Wesley S. Dodge, CJA. No interpreter used during hearing. Courtroom Deputy: Mary Beth McFarland. Court Reporter: Digital Recorder. Time Start: 10:01 AM; Time Stop: 10:17 AM; Time in Court: 16 Minutes. (MBM) (Entered: 06/25/2013)
06/25/2013	75	TEXT MINUTE ENTRY for initial appearance and arraignment held in Omaha on 06/25/2013 before Magistrate Judge Thomas D. Thalken as to defendant David William Peer. Defendant acknowledges receipt of a copy of the Superseding Indictment. Not guilty plea entered on all counts. Defendant does request discovery material pursuant to Rule 16. Government does not adopt open file policy regarding discovery. Pretrial motions are to be filed by 09/06/2013; and other scheduling matters addressed in the Order <u>64</u> . Defendant was previously detained. Defendant is remanded to the custody of the U.S. Marshal. Appearance for plaintiff: Michael P. Norris. Appearance for defendant: Glenn A. Shapiro, CJA. Courtroom Deputy: Mary Beth McFarland. No interpreter used during hearing. Court Reporter: Digital Recorder. Time Start: 1:58 PM; Time Stop: 2:01 PM; Time in Court: 3 Minutes. (MBM) (Entered: 06/25/2013)
06/25/2013	<u>76</u>	ORDER denying the defendant's <u>70</u> Motion to Review as to Joshua Welch (7). Pursuant to NECrimR 59.2 any objection to this Order shall be filed with the Clerk of the Court within fourteen (14) days after being served with a copy of this Order. Ordered by Magistrate Judge Thomas D. Thalken. (MKR) (Entered: 06/25/2013)
06/25/2013	<u>77</u>	ARREST WARRANT RETURNED EXECUTED in case as to defendant David William Peer. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(a). ALL

		COUNSEL OF RECORD IN MULTI-DEFENDANT CASES MAY ACCESS THIS DOCUMENT. (MKR) (Entered: 06/25/2013)
06/25/2013	<u>78</u>	<input type="checkbox"/> AUDIO FILE. Audio as to Defendant (7) Joshua Welch. Court Date & Time [06/25/2013 10:01:29 AM]. File Size [3885 KB]. Run Time [00:16:11]. (Motion Hearing). (auto-docket). (Entered: 06/25/2013)
06/25/2013	<u>79</u>	<input type="checkbox"/> AUDIO FILE. Audio as to Defendant (2) David William Peer. Court Date & Time [06/25/2013 1:58:32 PM]. File Size [775 KB]. Run Time [00:03:14]. (Initial Appearance). (auto-docket). (Entered: 06/25/2013)
06/26/2013	<u>80</u>	COPY OF TRANSCRIPT (from USDC-Northern District of Florida; 3:13mj46/CJK) of Detention Hearing proceedings before Magistrate Judge Charles J. Kahn, Jr. held on April 11, 2013 as to defendant Joshua Welch. (MKR) (Entered: 06/26/2013)
07/02/2013	<u>81</u>	NOTICE of Compliance of Local Criminal Rule 16.1(a) by Attorney Michael P. Norris as to defendant(s) David William Peer. (Norris, Michael) (Entered: 07/02/2013)
07/03/2013	<u>82</u>	OBJECTION TO MAGISTRATE JUDGE'S ORDER <i>Pretrial Detention</i> by Attorney Wesley S. Dodge as to defendant(s) Joshua Welch. (Dodge, Wesley) (Entered: 07/03/2013)
07/03/2013	<u>83</u>	BRIEF in support of OBJECTION TO MAGISTRATE JUDGE'S ORDER <i>Pretrial Detention</i> <u>82</u> by Attorney Wesley S. Dodge as to defendant(s) Joshua Welch. (Dodge, Wesley) (Entered: 07/03/2013)
07/08/2013	84	TEXT ORDER SETTING MOTION HEARING regarding OBJECTION TO MAGISTRATE JUDGE'S ORDER <i>Pretrial Detention</i> <u>82</u> as to defendant Joshua Welch: Motion Hearing set for 7/19/2013 at 09:00 AM in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before District Judge Joseph F. Bataillon. Ordered by District Judge Joseph F. Bataillon. (KMG) (Entered: 07/08/2013)
07/19/2013	85	TEXT MINUTE ENTRY for proceedings held before District Judge Joseph F. Bataillon as to defendant Joshua Welch. Motion Hearing held on 7/19/2013 regarding OBJECTION TO MAGISTRATE JUDGE'S ORDER regarding <i>Pretrial Detention</i> <u>82</u> . Hearing held in Omaha. The court takes judicial notice of the proceedings from the Northern District of Florida, including the pretrial services report, the detention hearing proceedings held before Magistrate Judge Thalken, and the transcript of the Florida proceedings. Evidence by Defendant. Oral argument by parties. After a review of the record, the evidence submitted, and the parties' oral argument, the court will sustain the findings of Magistrate Judge Thalken and the objection by the defendant is overruled. Defendant remanded to the custody of the U.S. Marshal. Courtroom Deputy: Kathy Griess. Reporter: Rogene Schroder. Appearance for Plaintiff: Michael P. Norris; For Defendant: Wesley S. Dodge, CJA. No interpreter used during hearing. Time Start: 9:02 AM; Time Stop: 9:22 AM; Time in Court: 20 Minutes. (KMG) (Entered: 07/19/2013)

07/19/2013	<u>86</u>	EXHIBIT LIST from motion hearing held on July 19, 2013 as to defendant Joshua Welch. (KMG) (Entered: 07/19/2013)
07/19/2013	87	TEXT ORDER: After a review of the record, the evidence submitted, and the parties' oral argument at the hearing, the court will sustain the findings of Magistrate Judge Thalken and the objection by the defendant is overruled. Overruling <u>82</u> Objection to Magistrate Judge Order as to Joshua Welch. Ordered by District Judge Joseph F. Bataillon. (KMG) (Entered: 07/19/2013)
08/20/2013	<u>88</u>	SECOND SUPERSEDING INDICTMENT with foreperson's signature redacted pursuant to the E-Government Act. THIS DOCKET ENTRY AND PDF DOCUMENT ARE SEALED PURSUANT TO AN ORDER OF THE COURT AND/OR LEGAL AUTHORITY GOVERNING SEALED FILINGS. ACCESS IS LIMITED ONLY TO THE COURT as to defendants Russell Glenn Pierce, David William Peer, John Doe # 3, John Doe # 4, John Doe # 5, John Doe # 6, Joshua Welch and Thomas Spencer. PART 1 OF 2. (MKR) (Additional attachment(s) added on 10/4/2013: # <u>1</u> Redacted Second Superseding Indictment) (TCL,). (Entered: 08/22/2013)
08/29/2013	93	TEXT ORDER as to defendant John Doe # 6 - Initial Appearance set for 9/4/2013 at 1:30 PM in Courtroom 6, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, NE before Magistrate Judge F.A. Gossett. Ordered by Magistrate Judge Thomas D. Thalken. (MBM) (Entered: 08/29/2013)
08/30/2013	<u>94</u>	MOTION to Continue <i>Pretrial Motion Deadline</i> by Attorney Joshua D. Rydell as to defendant(s) Russell Glenn Pierce. (Attachments: # <u>1</u> Affidavit Speedy Affidavit) (Rydell, Joshua) (Entered: 08/30/2013)
09/03/2013	95	TEXT ORDER SETTING HEARING. The court will hold a telephone conference on September 9, 2013, at 9:00 a.m. to discuss the pretrial motion deadline. Counsel for the government shall initiate the conference with the undersigned magistrate judge and counsel for the defendants. Ordered by Magistrate Judge Thomas D. Thalken. (BJC) (Entered: 09/03/2013)
09/04/2013	97	TEXT MINUTE ENTRY for proceedings held on 9/4/2013 before Magistrate Judge F.A. Gossett as to defendant John Doe #6. Initial Appearance and Arraignment on Second Superseding Indictment held. Defendant acknowledges receipt of a copy of the Indictment. Not guilty plea entered on all counts. Defendant requests discovery material pursuant to Rule 16. Progression order issued. Defendant released on the conditions previously set forth by the Western District of Oklahoma. Hearing held in Omaha, NE. Appearance for Plaintiff: Michael P. Norris, USA; Appearance for Defendant: Stuart J. Dornan, Retained; Courtroom Deputy: Sara Pankoke; Court Reporter: Digital Recorder. No interpreter used during hearing. Time Start: 1:48 PM; Time Stop: 1:54 PM; Time in Court: 6 Minutes. (SLP) (Entered: 09/04/2013)
09/04/2013	<u>98</u>	ORDER FOR PROGRESSION OF A CRIMINAL CASE - discovery due 9/11/2013 as to defendant John Doe #6. Pretrial Motion Deadline set for 9/24/2013. Ordered by Magistrate Judge F.A. Gossett. (SLP) (Entered: 09/04/2013)

09/04/2013	<u>99</u>	<input type="checkbox"/> AUDIO FILE. Audio as to Defendant (6) John Doe # 6. Court Date & Time [09/04/2013 1:48:16 PM]. File Size [1588 KB]. Run Time [00:06:37]. (Initial Appearance). (auto-docket). (Entered: 09/04/2013)
09/05/2013	<u>100</u>	NOTICE OF ATTORNEY APPEARANCE by Attorney Stuart J. Dornan as to defendant(s) John Doe # 6. (Dornan, Stuart) (Entered: 09/05/2013)
09/06/2013	<u>101</u>	MOTION to Sever <i>Due to Misjoinder of Defendants Under Rule 8(b)</i> by Attorney James J. Regan as to defendant(s) Thomas Spencer. (Regan, James) (Entered: 09/06/2013)
09/06/2013	<u>102</u>	BRIEF in support of MOTION to Sever <i>Due to Misjoinder of Defendants Under Rule 8(b)</i> <u>101</u> by Attorney James J. Regan as to defendant(s) Thomas Spencer. (Regan, James) (Entered: 09/06/2013)
09/06/2013	<u>103</u>	MOTION to Extend <i>Time to File Further Pretrial Motions</i> by Attorney James J. Regan as to defendant(s) Thomas Spencer. (Regan, James) (Entered: 09/06/2013)
09/06/2013	<u>104</u>	NOTICE OF ATTORNEY APPEARANCE by Attorney Joseph L. Howard as to defendant(s) John Doe # 6. (Howard, Joseph) (Entered: 09/06/2013)
09/09/2013	<u>105</u>	ORDER granting the Motions to Continue <u>94</u> and <u>103</u> . Any motion to sever shall be filed on or before September 18, 2013. The government's omnibus response shall be filed on or before September 27, 2013. Any other pretrial motions shall be filed on or before December 9, 2013. The government's omnibus response shall be filed on or before December 20, 2013. The time between today's date and the anticipated hearing/trial is excluded for purposes of computing the limits under the Speedy Trial Act. See 18 U.S.C. 3161(h)(1). Pretrial Motion Deadline set for 12/9/2013 as to defendants Russell Glenn Pierce, David William Peer, John Doe #3, John Doe #4, John Doe #5, John Doe #6, Joshua Welch and Thomas Spencer. Ordered by Magistrate Judge Thomas D. Thalken. (MKR) (Entered: 09/10/2013)
09/17/2013	<u>106</u>	MOTION to Sever <i>Due to Misjoinder of Defendants Under Rule 8(b)</i> by Attorney Glenn A. Shapiro as to defendant(s) David William Peer. (Shapiro, Glenn) (Entered: 09/17/2013)
09/17/2013	<u>107</u>	BRIEF in support of MOTION to Sever <i>Due to Misjoinder of Defendants Under Rule 8(b)</i> <u>106</u> by Attorney Glenn A. Shapiro as to defendant(s) David William Peer. (Shapiro, Glenn) (Entered: 09/17/2013)
09/17/2013	<u>108</u>	MOTION to Sever by Attorney Joshua D. Rydell as to defendant(s) Russell Glenn Pierce. (Attachments: # <u>1</u> Supplement Brief in Support)(Rydell, Joshua) (Entered: 09/17/2013)
09/17/2013	<u>109</u>	MOTION to Modify Conditions of Release by Attorney Joseph L. Howard as to defendant(s) John Doe # 6. (Howard, Joseph) (Entered: 09/17/2013)
09/18/2013	<u>110</u>	MOTION to Sever by Attorney Wesley S. Dodge as to defendant(s) Joshua Welch. (Dodge, Wesley) (Entered: 09/18/2013)

09/18/2013	<u>111</u>	BRIEF in support of MOTION to Sever <u>110</u> by Attorney Wesley S. Dodge as to defendant(s) Joshua Welch. (Dodge, Wesley) (Entered: 09/18/2013)
09/18/2013	<u>112</u>	MOTION to Sever by Attorney Joseph L. Howard as to defendant(s) John Doe # 6. (Howard, Joseph) (Entered: 09/18/2013)
09/18/2013	<u>113</u>	BRIEF in support of MOTION to Sever <u>112</u> by Attorney Joseph L. Howard as to defendant John Doe # 6. (Howard, Joseph) Modified on 9/20/2013 to change docket text from motion to brief per counsel. (MBM) (Entered: 09/18/2013)
09/23/2013	<u>115</u>	Unopposed MOTION to Extend <i>Pretrial Motions Deadline</i> by Attorney Joseph L. Howard as to defendant(s) John Doe # 6. (Howard, Joseph) (Entered: 09/23/2013)
09/23/2013	<u>116</u>	AFFIDAVIT of Warren Tidwell <i>in Support of the Unopposed Motion to Extend Pretrial Motion Deadline</i> by Attorney Joseph L. Howard as to defendant(s) John Doe # 6. (Howard, Joseph) (Entered: 09/23/2013)
09/23/2013	<u>117</u>	ORDER granting the <u>115</u> Motion to Extend as to John Doe # 6 (6). In accordance with the court's previous order of September 9, 2013 (Filing No. <u>105</u>), any pretrial motions, except motions to sever, shall be filed on or before December 9, 2013. The government's omnibus response shall be filed on or before December 20, 2013. Speedy Trial Act. Time under the Speedy Trial Act will be excluded from today until December 9, 2013. The ends of justice will be served by such exclusion and outweigh the best interest of the public and the defendants in a speedy trial. Pretrial Motion Deadline set for 12/9/2013. Ordered by Magistrate Judge Thomas D. Thalken. (MKR) (Entered: 09/24/2013)
09/24/2013	<u>118</u>	RULE 5 PLEADINGS - IN Transfer from USDC-Western District of Oklahoma M-13-40-E as to defendant John Doe # 6. (Attachments: # <u>1</u> NE Warrant and Indictment THIS DOCKET ENTRY AND PDF DOCUMENT ARE SEALED PURSUANT TO AN ORDER OF THE COURT AND/OR LEGAL AUTHORITY GOVERNING SEALED FILINGS. ACCESS IS LIMITED ONLY TO THE COURT # <u>2</u> Minute Entry 8/30/2013, # <u>3</u> Order Appointing Counsel, # <u>4</u> Waiver of Rule 5 and.1 Hearings, # <u>5</u> Notice of Appearance, # <u>6</u> Minute Entry 08/27/2013, # <u>7</u> Minute Entry 08/27/2013, # <u>8</u> Appearance Bond, # <u>9</u> Order Setting Conditions of Release, # <u>10</u> Order Requiring Defendant to appear in Charging District). ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(a). ALL COUNSEL OF RECORD IN MULTI-DEFENDANT CASES MAY ACCESS THIS DOCUMENT (MKR) # <u>11</u> Financial Affidavit) (MKR,). Modified on 9/25/2013 to restrict Attachment #9 pursuant to E-Government and to add sealed attachment #1(MKR). Modified on 9/30/2013 to seal(MKR). (Entered: 09/25/2013)
09/27/2013	<u>119</u>	BRIEF in opposition to <i>Defendants' Motion to Sever</i> by Attorney Michael P. Norris as to defendant(s) Russell Glenn Pierce, David William Peer, John Doe # 3, John Doe # 4, John Doe # 5, John Doe # 6, Joshua Welch, Thomas Spencer.

		(Norris, Michael) (Entered: 09/27/2013)
10/03/2013	<u>120</u>	MOTION to file under Seal by Attorney Michael P. Norris as to defendant(s) Russell Glenn Pierce, David William Peer, John Doe # 3, John Doe # 4, John Doe # 5, John Doe # 6, Joshua Welch, Thomas Spencer. (Norris, Michael) (Entered: 10/03/2013)
10/04/2013	123	TEXT ORDER granting <u>120</u> Motion to Seal as to Defendants Russell Glenn Pierce (1), David William Peer (2), John Doe # 3 (3), John Doe # 4 (4), John Doe # 5 (5), John Doe # 6 (6), Joshua Welch (7), Thomas Spencer (8). The Documents 121 and 122 are filed under seal. Ordered by Magistrate Judge Thomas D. Thalken. (MBM) (Entered: 10/04/2013)
10/04/2013	124	TEXT ORDER that the United States of America's Sealed Motion for Substitution of Redacted Second Superseding Indictment 121 is granted. The Clerk of the District Court is directed to replace the publicly available Second Superseding Indictment in this case with the redacted Second Superseding Indictment attached to Document 122 as to defendants Russell Glenn Pierce, David William Peer, John Doe # 3, John Doe # 4, John Doe # 5, Warren Tidwell, Joshua Welch, Thomas Spencer. Ordered by Magistrate Judge Thomas D. Thalken. (TCL) Modified on 10/18/2013 to correct defendant name(TCL). (Entered: 10/04/2013)
10/18/2013	<u>125</u>	ORDER- The court does not anticipate that, upon proper instruction, the jury will have great difficulty compartmentalizing the evidence pertaining to each defendant and returning a verdict as to each defendant as to each count of the indictment. No evidence was presented as to the disparity of evidence between the defendants which would warrant a severance for prejudicial joinder under Fed. R. Crim. P. 14. Accordingly, Pierce's motion to sever (Filing No. <u>108</u>) is denied; Peer's motion to sever (Filing No. 106) is denied; Tidwell's motion to sever (Filing No. 112) is denied; Welch's motion to sever (Filing No. 110) is denied; and Spencer's motion to sever (Filing No. 101) is denied. Ordered by Magistrate Judge Thomas D. Thalken. (MKR) (Entered: 10/18/2013)
10/23/2013	<u>126</u>	CONSENT AND ORDER regarding modifying conditions of release as to defendant Warren Tidwell. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(a). ALL COUNSEL OF RECORD IN MULTI-DEFENDANT CASES MAY ACCESS THIS DOCUMENT. Ordered by Magistrate Judge Thomas D. Thalken. (MKR) (Entered: 10/23/2013)
10/29/2013	<u>127</u>	OBJECTION TO MAGISTRATE JUDGE'S ORDER by Attorney James J. Regan as to defendant(s) Thomas Spencer. (Regan, James) (Entered: 10/29/2013)
10/29/2013	<u>128</u>	BRIEF in support of OBJECTION TO MAGISTRATE JUDGE'S ORDER <u>127</u> by Attorney James J. Regan as to defendant(s) Thomas Spencer. (Regan, James) (Entered: 10/29/2013)

10/31/2013	<u>129</u>	MOTION to Extend <i>Pretrial Motion Deadline</i> by Attorney Joshua D. Rydell as to defendant(s) Russell Glenn Pierce. (Rydell, Joshua) (Entered: 10/31/2013)
10/31/2013	<u>130</u>	OBJECTION TO MAGISTRATE JUDGE'S ORDER <i>DENYING SEVERANCE</i> by Attorney Joshua D. Rydell as to defendant(s) Russell Glenn Pierce. (Rydell, Joshua) (Entered: 10/31/2013)
10/31/2013	<u>131</u>	BRIEF in support of <i>Objection to Magistrate's Order Denying Severance</i> by Attorney Joshua D. Rydell as to defendant(s) Russell Glenn Pierce. (Rydell, Joshua) (Entered: 10/31/2013)
11/05/2013	<u>132</u>	Amended MOTION to Extend <i>time to file pretrial motions</i> by Attorney Joshua D. Rydell as to defendant(s) Russell Glenn Pierce. (Rydell, Joshua) (Entered: 11/05/2013)
11/05/2013	<u>133</u>	RESPONSE to <i>Defendant's Amended Motion to Extend Time to File Pretrial Motions</i> by Attorney Michael P. Norris as to defendant(s) Russell Glenn Pierce. (Norris, Michael) (Entered: 11/05/2013)
11/08/2013	<u>134</u>	ORDER granting Pierce's <u>129</u> Motion to Extend pretrial motions deadline as to Russell Glenn Pierce (1). Pierce and all co-defendants shall have to on or before January 9, 2014, in which to file pretrial motions. The time between December 9, 2013, and January 9, 2014, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Pretrial Motion Deadline set for 1/9/2014. Ordered by Magistrate Judge Thomas D. Thalken. (MKR) (Entered: 11/08/2013)
11/13/2013	<u>135</u>	ARREST WARRANT RETURNED EXECUTED in case as to defendant Warren Tidwell. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(a). ALL COUNSEL OF RECORD IN MULTI-DEFENDANT CASES MAY ACCESS THIS DOCUMENT. (MKR) (Entered: 11/13/2013)
12/12/2013	<u>136</u>	MEMORANDUM AND ORDER - Defendants Thomas Spencer's and Joshua Rydell's objections (Filing No. 127 and Filing No. <u>130</u>) are sustained. The magistrate judge's order (Filing No. <u>125</u>) is reversed. The defendants' motions to sever (Filing Nos. 101 , 106 , <u>108</u> , 110 and 112) are granted. This action is to be tried separately with respect to each defendant as to defendants Russell Glenn Pierce, David William Peer, John Doe # 3, John Doe # 4, John Doe # 5, Warren Tidwell, Joshua Welch, Thomas Spencer. Ordered by Judge Joseph F. Bataillon. (MKR) Modified on 12/16/2013 to correct typographical error. (MBM) (Entered: 12/13/2013)
12/17/2013	<u>137</u>	CONSENT AND ORDER regarding modifying conditions of release as to defendant Warren Tidwell. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CRIMINAL PROCEDURE 49.1(a). ALL COUNSEL OF RECORD IN MULTI-DEFENDANT CASES

		MAY ACCESS THIS DOCUMENT. Ordered by Magistrate Judge Thomas D. Thalken. (MKR) (Entered: 12/17/2013)
12/19/2013	<u>138</u>	MOTION to Extend <i>Pretrial Motion Deadline</i> by Attorney Joshua D. Rydell as to defendant(s) Russell Glenn Pierce. (Rydell, Joshua) (Entered: 12/19/2013)
12/26/2013	<u>139</u>	ORDER granting Defendant Pierce's <u>138</u> Motion for an extension of time. Pierce is given until on or before March 7, 2014, in which to file pretrial motions pursuant to the progression order as to Russell Glenn Pierce (1). Pretrial Motion Deadline set for 3/7/2014. The additional time arising as a result of the granting of the motion, i.e., the time between December 26, 2013, and March 7, 2014, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Ordered by Magistrate Judge Thomas D. Thalken. (MKR) (Entered: 12/26/2013)
01/08/2014	<u>140</u>	MOTION to Suppress <i>Search</i> by Attorney James J. Regan as to defendant(s) Thomas Spencer. (Regan, James) (Entered: 01/08/2014)
01/08/2014	<u>141</u>	BRIEF in support of MOTION to Suppress <i>Search</i> <u>140</u> by Attorney James J. Regan as to defendant(s) Thomas Spencer. (Regan, James) (Entered: 01/08/2014)
01/09/2014	<u>142</u>	MOTION to Suppress by Attorney Wesley S. Dodge as to defendant(s) Joshua Welch. (Dodge, Wesley) (Entered: 01/09/2014)
01/09/2014	<u>143</u>	BRIEF in support of MOTION to Suppress <u>142</u> by Attorney Wesley S. Dodge as to defendant(s) Joshua Welch. (Dodge, Wesley) (Entered: 01/09/2014)
01/09/2014	<u>144</u>	MOTION to Suppress by Attorney Glenn A. Shapiro as to defendant(s) David William Peer. (Shapiro, Glenn) (Entered: 01/09/2014)
01/09/2014	<u>145</u>	MOTION to Suppress <i>Evidence and Statements</i> by Attorney Joseph L. Howard as to defendant(s) Warren Tidwell. (Howard, Joseph) (Entered: 01/09/2014)
01/09/2014	<u>146</u>	BRIEF in support of <i>Motion To Suppress Evidence and Statements</i> by Attorney Joseph L. Howard as to defendant(s) Warren Tidwell. (Howard, Joseph) (Entered: 01/09/2014)
01/14/2014	<u>147</u>	MOTION to Extend <i>the Time to File Government's Response to Defendants' Various Motions</i> by Attorney Michael P. Norris as to defendant(s) David William Peer, Warren Tidwell, Joshua Welch, Thomas Spencer. (Norris, Michael) (Entered: 01/14/2014)
01/15/2014	<u>148</u>	TEXT ORDER as to defendants David William Peer, Warren Tidwell, Joshua Welch and Thomas Spencer granting <u>147</u> government's Motion to Extend. The government shall file its response to defendants' various motions by 01/23/2014. Ordered by Magistrate Judge Thomas D. Thalken. (MBM) (Entered: 01/15/2014)
01/15/2014	<u>149</u>	BRIEF in support of MOTION to Suppress <u>144</u> by Attorney Glenn A. Shapiro as to defendant(s) David William Peer. (Shapiro, Glenn) (Entered: 01/15/2014)
01/17/2014	<u>150</u>	ORDER - IT IS ORDERED: The Unopposed Motion for Rule 17.1 Pretrial Conference filed by defendant Kirk Cottom (Filing No. 102) is granted. A

conference pursuant to Fed. R. Crim. P. 17.1 will be held in the above captioned cases in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 11:30 a.m. on January 24, 2014. All counsel are required to attend or participate by telephone conference. All participating counsel shall have available their calendars and be prepared to schedule events in this case. Since this will be a scheduling conference, defendants are not required to be present. Any counsel wishing to participate by telephone conference shall arrange, in advance of the conference, such participation with Mary Beth McFarland by calling 402-661-7344 as to defendants Russell Glenn Pierce, David William Peer, John Doe # 3, John Doe # 4, John Doe # 5, Warren Tidwell, Joshua Welch, Thomas Spencer. Ordered by Magistrate Judge Thomas D. Thalken. (TCL) (Entered: 01/17/2014)

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